

U.S. Application Serial No.: 10/671,842
Brookshire, M.
Response to Office Action dated August 25, 2005

Amendment to the Drawings:

Applicant has attached a replacement drawing for FIG. 5, which includes changes to FIG. 5 per the Examiner's statement. Facets 40, 42, 44, 46 and 48 are depicted consistent with the explanation in the specification.

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REMARKS

Applicant has amended the drawings as per the Examiner's objection. Figure numbers referring to facets 40, 42, 44, 46, and 48 have been corrected to be consistent with the specification and to overcome the Examiner's objection. FIG. 5 correctly depicts a first set of facets 40, a second set of facets 42, a third set of facets 44, a fourth set of facets 46 and a fifth set of facets 48. The amendments to the drawings do not address the merits of patentability. No new matter is believed to be included by the above amendments to the drawings. The objection to the drawings is believed to be overcome.

The Office Action objects to the specification because of the stated inconsistency with FIG. 5. Again, Applicant has amended the drawings to be consistent with the specification. No amendment was deemed necessary to bring the specification and drawings into compliance. The objection to the specification is thereby also believed to be overcome.

The Office Action objects to claims 8, 10, 19, 21, 28, 30 and claims 9, 11, 20, 22, 29, and 31 as not readable upon the selected species and/or figures. Applicant has amended or canceled these claims as necessary to render them readable upon the selected species and/or figures.

Claims 6, 12, 17, 26, and 32-39 have been withdrawn from further consideration in the present application. Applicant has cancelled claims 2, 9, 11, 20, 22, 29, and 31.

The Office Action rejects claims 1, 3-5, 13, 16, and 23 under 35 U.S.C. 102(b) as being anticipated by Meyer 052378. Applicant has amended claims 1, 8, 10, 13, 19, 21, 23, 28, and

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30 to more clearly define the present invention and distinguish over the prior art of record.

Amended claim 1 recites a pavilion having a plurality of facets disposed from a girdle to a culet. Each of the plurality of facets has a continuous flat surface extending from the girdle to the culet. An edge of a first adjoining facet contacts an edge of a second adjoining facet along a common radial boundary. A dome-shaped crown is disposed above the girdle. The girdle extends no further than a widest circumference of the dome-shaped crown and the pavilion extends no further than a widest circumference of the girdle. The dome-shaped crown is formed from a plurality of sets of facets with an equal number of facets in each set. The sets of facets are cut with monotonically decreasing angles to form a stepped contour from the girdle to an apex of the dome-shaped crown. Each of the sets of facets has monotonically decreasing surface areas from the girdle to the apex of the dome-shaped crown.

The Meyer reference does not disclose a cut diamond. Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. Meyer does not teach or suggest a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. The pavilion in Meyer's FIG. 3 does not show the pavilion facets extending from a common point radially to the girdle region. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extending no further than the widest circumference of the girdle region. The girdle region in Meyer is a flange that extends well beyond the crown and pavilion. Moreover, the crown in the Meyer reference is not

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a dome-shaped structure formed from a plurality of rows of facets with an equal number of facets in each row. Finally, Meyer does not teach or suggest that each of the sets of facets has monotonically decreasing surface areas which run from the girdle to the apex of the dome-shaped crown.

Claim 1 is believed to patentably distinguish over the Meyer reference. Claims 3-5, 7-8, and 10 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Amended claim 13 recites a cut gemstone. A pavilion extends from a girdle to a culet. The girdle extends no further than a widest circumference of the crown and the pavilion extends no further than a widest circumference of the girdle. A crown in the form of a symmetrical hemisphere has a first set of facets disposed above the girdle and a second set of facets disposed between the first set of facets and an apex of the crown. The first set of facets is cut at a first angle with respect to a reference line which is tangential to the apex of the crown and the second set of facets is cut at a second angle with respect to the reference line which is less than the first angle, each of the sets of facets having an equal number of facets.

Again, Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. The pavilion in Meyer's FIG. 3 does not show the pavilion facets extending from a common point radially to the girdle region. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The girdle region in Meyer is a flange that extends well beyond the crown and pavilion.

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Moreover, the crown in the Meyer reference is not formed from a plurality of rows of facets with an equal number of facets in each row.

Claim 13 is believed to patentably distinguish over the Meyer reference. Claims 14-16, 18-19, and 21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Amended claim 23 recites a cut gemstone. A pavilion has a plurality of facets disposed from a girdle to a culet. A dome-shaped crown is disposed above the girdle. The girdle extends no further than a widest circumference of the dome-shaped crown and the pavilion extends no further than a widest circumference of the girdle. The dome-shaped crown is formed from a plurality of sets of facets with an equal number of facets in each set. The dome-shaped crown has a stepped contour from the girdle to an apex of the dome-shaped crown.

Again, Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The girdle region in Meyer is a flange that extends well beyond the crown and pavilion. Moreover, the crown in the Meyer reference is not a dome-shaped structure formed from a plurality of rows of facets with an equal number of facets in each row.

Claim 23 is believed to patentably distinguish over the Meyer reference. Claims 24-25, 27-28, and 30 are believed to be in condition for allowance as each is dependent from an allowable base claim.

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The Office Action further rejects claims 2-3, 14-15, and 24-25 under 35 U.S.C. 103(a) as being unpatentable over Meyer. Applicant has canceled claim 2, rendering the rejection as to that claim moot. Claims 3, 14-15, and 24-25 depend from an allowable base claim and are believed to be in condition for allowance.

The Office Action further rejects claims 7, 18, and 27 under 35 U.S.C. 103(a) as being unpatentable over Meyer. Again, claims 7, 18, and 27 are dependent from allowable base claims and are believed to be condition for allowance.

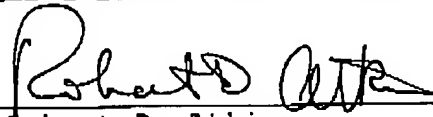
Applicant(s) believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicant(s) invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
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By:


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